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OFFICE OF PETITIONS

In re Application of Crouch :
Application No. 10/803,403 : Decision on Petition
Filing Date: March 18, 2004 :
Attorney Docket No. PD-02W127 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 12, 2009, to revive the above-identified application.

The petition is **granted**.

Facts

The Office mailed a Notice of Allowance on March 6, 2006. The Notice set a statutory period for reply of three (3) months.

The issue fee transmittal form was filed March 27, 2006. At the time the Office tried to charge the \$1,400 issue fee and \$300 publication fee to the deposit account on the issue fee transmittal sheet, the deposit account had a balance of \$1,530. The Office charged the publication fee of \$300 to the deposit account, but was unable to charge the issue fee due to the insufficient balance of funds in the deposit account.

Since the issue fee was not timely paid, the application became abandoned on June 28, 2006. A Notice of Abandonment was mailed July 13, 2006.

A petition to withdraw the holding of abandonment was filed July 24, 2006. A decision dismissing the petition to withdraw the holding of abandonment was mailed December 30, 2008.

The instant petition was filed February 12, 2009.

Discussion

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the reply required to the outstanding Office action or notice, unless previously filed,

- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply to the Notice of Allowance in the form of an issue fee payment of \$1,510. Petitioner has submitted the required petition fee of \$1,620. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Deposit Account No. 19-0743 was charged \$300 for the publication fee on February 12, 2009. However, the \$300 fee was originally paid March 27, 2006. Therefore, the \$300 paid February 12, 2009, has been credited back to Deposit Account No. 19-0743.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and will take steps to prepare the application for issuance as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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